



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 18/05/2022

WEB COPY

PRESENT

THE HON'BLE MRS JUSTICE T.V.THAMILSELVI

CRL OP(MD) . No.9125 of 2022

Thanga Deepa

... Petitioner/Accused No.5

Vs

State Rep.by
The Inspector of Police,
District Crime Branch,
Anti Land Grabbing Special Cell,
Thoothukudi,
Thoothukudi District.
(Crime No.15 of 2022)

... Respondent/Complainant

For Petitioner : Mr.S.Vinayak
Advocate.

For Respondent : Mr.M.Sakthikumar,
Government Advocate (Crl.side)

PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

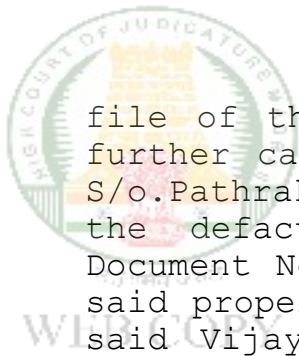
PRAYER :-

For Anticipatory Bail in Crime No.15 of 2022 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner, apprehending arrest at the hands of the respondent police for the offences punishable under Sections 120(B), 419, 465, 468, 471 and 420 IPC, in Crime No.15 of 2022, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that one Pathirakali had impersonated as the defacto complainant and executed a forged documents in favour of his son-in-law Paramasivam, S/o.Subbaiah, in respect of defacto complainant's properties in Survey Nos.175/7B1 and 175/7A in Tharuvaikulam Village, Thoothukudi District. Thereafter, the said Paramasivam had sold the property in Survey No.175/7A vide Document No.4277/13, dated 27.11.2013 to one Latha, W/o.Vaithiyalingam, who thereafter sold the said property to the petitioner herein vide Document No.328/2014, dated 31.01.2014 on the



file of the Thoothukudi Keelur Sub Registrar Office. It is the further case of the prosecution that the accused, viz., Selvamani, S/o.Pathrakali had also executed a fabricated sale deed as regards the defacto complainant's property in Survey No.175/7B1, vide Document No.1703/2014 dated 09.05.2014, who had thereafter sold the said property to one Vijayapandi vide Document No.2425/2019 and the said Vijayapandi had further sold the property in favour of one Praveen vide Document No.3612/2020.

3.The learned counsel appearing for the petitioner submits that in the year 2014, the petitioner purchased the property for a valid sale consideration. Now, the petitioner has been falsely implicated in this case. He further submits that A2 and A3 were already arrested and subsequently, released on bail. Therefore, he prayed for grant of bail to the petitioner.

4.The learned Government Advocate (Crl. Side) submits that the property originally belonged to the defacto complainant and by impersonation, the accused persons created forged documents and thereafter, sold the properties to the third parties.

5.Considering the fact that the petitioner has purchased the property in the year 2014 and since all the original documents were recovered by the respondent Police, there is no possibility of tampering with the evidence, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

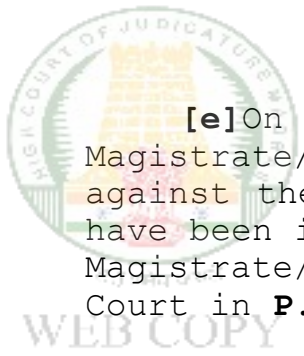
6.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on her appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, (ALGSC), Thoothukudi, on condition that the petitioner shall execute a bond for a sum of **Rs.25,000/- (Rupees Twenty Five Thousand only)** with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further conditions that:

[a]the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhaar card or bank pass book to ensure their identity.

[b]the petitioner shall report before the respondent police as and when required for interrogation and co-operate for the investigation with relevant documents without fail.

[c]the petitioner shall not tamper with the evidence or witness either during investigation or trial.

[d]the petitioner shall not abscond either during investigation or trial.



[e]On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]**.

sd/-
18/05/2022

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/ /2022
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,

TO

- 1 THE JUDICIAL MAGISTRATE, (ALGSC),
THOOTHUKUDI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI.
- 3 THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH,
ANTI LAND GRABBING SPECIAL CELL,
THOOTHUKUDI, THOOTHUKUDI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to M/s.S.VINAYAK, Advocate (SR-4750[I] dated 19/05/2022)

ORDER
IN
CRL OP(MD) No.9125 of 2022
Date :18/05/2022

RS/VR/SAR.4 (23.05.2022) 3P-6C